

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

Case Number 09-12950
Honorable David M. Lawson

v.

JOHN J. BRAVATA, RICHARD J.
TRABULSY, ANTONIO M. BRAVATA,
BBC EQUITIES, LLC, BRAVATA
FINANCIAL GROUP, LLC, and SHARI A.
BRAVATA,

Defendants.

ORDER DENYING DEFENDANT'S MOTIONS

This matter is before the Court on defendant John Bravata's motion to stay proceedings and enjoin dismissal of parties. Bravata also filed a document entitled "standing nunc pro tunc notification of joining in all motions and submissions by all family defendants with John Bravata," by which the defendant evidently intends to inform the Court that the other individual defendants named in the complaint desire to join or concur in all motions filed by him.

On March 6, 2014, the Court entered its opinion and order granting the government's motion for summary judgment against the defendants, and a judgment awarding substantially all of the relief that the government had requested. On March 18, 2014, John Bravata filed his notice of appeal of the Court's opinion and judgment. On May 29, 2014, the Court entered an amended and final judgment that resolved certain other pending claims against defendant Richard Trabulsy which the Court previously had overlooked, and in all other respects dismissed the complaint with prejudice. On June 12, 2014, after a hearing, the Court granted the receiver's motion to approve his fifth and

final report, terminate the receivership, and allow application of remaining unencumbered funds in the receivership to previously approved costs and fees. Because the Court has entered a final judgment in this matter and there are no remaining proceedings that could be stayed, the defendant's motion to stay is moot. The Court therefore will deny the defendant's motion.

The defendant purported to file his "notice of joinder" on behalf of both himself and individual defendants Antonio and Shari Bravata. None of those defendants presently are represented by counsel, and the notice bears the personal signature of John Bravata only. The notice contains only typewritten "electronic signatures" for the other individuals. However, because John Bravata "is not a licensed attorney, he [cannot] represent his fellow [defendants] in this action." *Smith v. Dukes*, 21 F. App'x 344, 344-45 (6th Cir. 2001). "[A]n individual who brings an action in federal court must either proceed *pro se* or have a licensed attorney." *Ibid*. Moreover, under the Federal Rules of Civil Procedure, "[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name — or by a party personally if the party is unrepresented." Fed. R. Civ. P. 11(a). The Court therefore must strike the notice of joinder because the defendant had no legal authority to file it, and because it was filed in violation of the applicable court rules.

Accordingly, it is **ORDERED** that the defendant's motion to stay [dkt. #681] is **DENIED**.

It is further **ORDERED** that the defendant's notice of joinder [dkt. #683] is **STRICKEN**.

s/David M. Lawson
 DAVID M. LAWSON
 United States District Judge

Dated: June 20, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 20, 2014.

s/Shawntel Jackson
SHAWNTEL JACKSON